

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

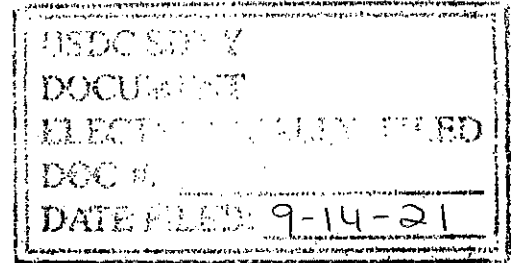
-----X
JAMES BENJAMIN, et al.,

Plaintiffs,

-against-

VINCENT SCHIRALDI,

Defendant.
-----X



**ORDER RE: SUBSTITUTION
OF PARTIES AND
CLARIFICATION OF
APPEARANCES**

75 Civ. 3073 (LAP)

WHEREAS, the current ECF docket does not accurately reflect the current parties and their respective counsel;

WHEREAS, on or about May 11, 2017, Joseph Ponte left his position as Commissioner of the New York City Department of Correction;

WHEREAS, following Joseph Ponte's departure, Cynthia Brann became the Acting Commissioner, and later the Commissioner, of the New York City Department of Correction;

WHEREAS, on or about May 31, 2021, Cynthia Brann left her position as Commissioner of the New York City Department of Correction;

WHEREAS, on June 1, 2021, Vincent Schiraldi became the Commissioner of the New York City Department of Correction, and he remains in that position today ;

WHEREAS, the Commissioner of the New York City Department of Correction is represented in this action by the New York City Law Department, by Chlarens Orsland and Brian Joseph Krist, and that all other attorneys listed on the docket sheet as representing the Commissioner or other officials of the City of New York have left their positions with the New York City Law Department;

WHEREAS, the plaintiffs and plaintiff class are currently represented by The Legal Aid Society Prisoners' Rights Project, by Veronica Vela, Robert Matthew Quackenbush, and David Billingsley, and that all other attorneys listed on the docket sheet as representing the plaintiffs have left their positions with The Legal Aid Society;

WHEREAS, Rule 25 of the Federal Rules of Civil Procedure states that when a public officer who is an official-capacity party retires, "[t]he officer's successor is automatically substituted while the action is pending";

WHEREAS, Rule 21 of the Federal Rules of Civil Procedure states that "the court may at any time, on just terms, add or drop a party";

IT IS HEREBY ORDERED THAT THE CLERK OF THE COURT:

- 1) Terminate Joseph Ponte and Cynthia Brann as defendants in this action under Rule 25 of the Federal Rules of Civil Procedure.
- 2) Add Vincent Schiraldi, Commissioner of the New York City Department of Correction, in his official capacity, as the sole defendant in this action, under Rules 21 and 25 of the Federal Rules of Civil Procedure.
- 3) Amend the docket sheet to reflect that the plaintiffs in this action are represented by The Legal Aid Society Prisoners' Rights Project, namely, by Veronica Vela, Robert Matthew Quackenbush, and David Billingsley, and that all other attorneys currently associated with The Legal Aid Society on the docket sheet are terminated from this action.
- 4) Amend the docket sheet to reflect that the Commissioner is represented by the New York City Law Department, namely, by Chlarens Orsland and Brian Joseph Krist, and that all other attorneys currently associated with the New York City Law Department on the docket sheet are terminated from this action.

JUSTINE LUONGO
The Legal Aid Society
Criminal Defense Practice
Attorney for the Plaintiff Class

/s/ 9/13/2021

Robert M. Quackenbush
Staff Attorney
The Legal Aid Society
Prisoners' Rights Project
199 Water Street, 6th Floor
New York, New York 10038
c: 202-210-3476 (primary)
o: 212-577-7980
f: 646-619-4119
e: rquackenbush@legal-aid.org

GEORGIA M. PESTANA
Corporation Counsel of the
City of New York
Attorney for Defendant

/s/ 9/13/2021

Chlarens Orsland
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, New York 10007
o: 212-356-2086
e: corsland@law.nyc.gov

Dated: September 14, 2021
New York, New York

SO ORDERED.


HON. LORETTA A. PRESKA, U.S.D.J.